IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 5039/2007

PUSHKAR DUTT JOSHI
Vs.
ADDITIONAL CIVIL JUDGE (J.D.) NO.2, SIKAR & ORS.

DATE: 24.07.2007

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Amrit Surolia for the petitioner.

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This writ petition is directed against the order dated 11.01.2007 passed by the Additional Civil Judge (Jr. Division) No.2, Sikar, whereby the application filed by the petitioner under Order 11 Rule 12 CPC has been rejected. By way of the aforesaid application, the petitioner prayed that certain documents which are filed in another suit for partition, be summoned from Matadeen.

Having considered the merit of the application, the Court below has observed that these documents are not necessary to be summoned at this stage as the petitioner has every right to establish his case and therefore, the application of the petitioner filed under Order 11 Rule 12 CPC has been rejected.

Having heard learned counsel for the petitioner and after going through the impugned order dated 11.01.2007, since the evidence is in progress and the petitioner wanted to delay the proceedings of the suit and is also not able to prove that the documents which are required to be summoned, are essentially required for disposal of the present suit, I find no illegality in the impugned order and the same requires no interference by this Court.

Consequently, the writ petition fails and the same is dismissed.

(K.S. RATHORE),J.

/KKC/